App. F. IX-4

Previous References

File No. 37-30

Serial Nos. 36 & 41

Later Referen

General and Revenue Secretariat.

Serial Nos. 2

Part B for November 31

SUBJECT.

Petition fr · Mr Pillappa, Member, Dt Board, Bangalore making certain allegations against the President of the Dt Board.

Mr. M. Pillappa
Dt. Board, Member, Bangalore
No. L 1605 of 16-3-31

Informs him that if he is sure of his facts may elicit them from the President and bring them to the notice of the whole Board.

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

petition dep. no. 3853 dy.
int frm M. Bell abstra. made
WBD, bg. alne making certain
allgatns agnst the prsnrs
nre atbl

1) The main allgatns are
nat- the pdt does not fm
dequate answers to nre inter-
ellatns ffne atbl members,
nat- there are a number of
int warrants agnst him
nat- he is dra---ing
emoluments attached to an
office. The number is stat
nat- every detail cnd be
seen at nre time of inspectn
dy.

2) In Oct 1930, the same
was reported to fnd certain
irregularities in the pdt.

G. R. S. III—3]

ROUTINE NOTES.

[To be used only for [illegible]

Like a Rule of a Civil Court
is a position of trust & responsibility
& rightly indicted. Their duty
& Separately exd.

As regards the
Second Case, there is nothing before
Govt to show that the allegations
against Mr. Venkatapathi are
any thing more than mere allegations.
If the Member who has received them
is sure of his facts, he can
elicit the facts from the Petitioner
by further Questions &
then bring the facts & the Petition to
Whole Govt.

RG
III Member. 23/2/37

11) I agree but
this should be done
by the
Board Rule 45
to prevent persons
heavily indebted from
becoming Panchayat Pres. Vice. Chairmen
&
Members

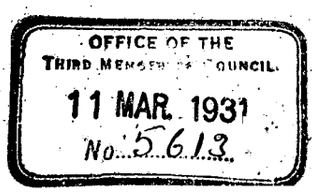
10) Office copy to Petitioner
RG
24/2/37

N. B.—Should routine notes be written on small slips
the notes must be signed, or slips pasted on
this form.

G. R. S. III—3]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record



Well-known case papers
upon appeal
Sumn (Gen Secy) VS
28-2-31 28-2-31

Pl.
9/3 VS

Third member

(13) Pl
11/3

(14) Issue
VS
11.3.31

No. L. 7603 dt. 6-3-31.
To inform appellant
informs him that if he is
sure of his facts, he may
elect either that case
may be facts of the case
file the Board

Mr R R for submitting
note on the point
raised in the memo
minute of 24-2-31
SD
28/3/31
R R

General and Revenue Secretariat | File No. | of 193

Serial No.

18) Without amending the Rules, it may be possible to prevent heavily indebted persons from competing for the place of Pleader, if after election the Pleader becomes heavily indebted or if the information furnished as regards his solvency turns out to be not true provision will have to be made for his removal in the Regulations. What is meant by "heavily indebted" has to be made more explicit so that the exact meaning may be conveyed by suitable words in the Bill to amend the Regulations.

19) A | The Law Secy may also be consulted

Gen. Secy) VS 6.4.31

W) A. Jr. 6.4.31

RR 8/4/31 VS

Law Secy)

21) I think a person can be said

General and Revenue Secretariat | File No. | of 193

Serial No.

2 (a) This question came up in connection with a complaint the indebtedness of the Vencatagiri Raja's estate and as it stands we can take no action even if he is arrested for debt. The law might be amended as suggested by the Legal Remembrancer

Dewan 24/4/31

Member in Council 25.4.31

25.4.31

(b) Ch. Secy with Comps 27/4/31

DEWAN'S OFFICE
6048
25 APR 1931

(For Disposal at a Meeting)

No. C. 413 of 1930-31

10

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT

(clause II of the schedule)

Question of amending the District Board and Municipal Regulation so as to prevent persons heavily indebted becoming Presidents and Vice-Presidents.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

Chief Secretary to Government.

28th April 1931.

4/V 29/4 First Member of Council Nil 30/4/31

Second Member of Council. (Seen)

76/2 29/4 Third Member of Council.

General and Revenue Secretariat File No. of 193

Serial No. 28)

A note for being sent to the members of the standing committee of C.S.C. is submitted for approval. The file may be sent to H.M. Br. for sending the note to the members along with the notice of the meeting or information if it has already been sent.

14/5/31 Gen. Secy)

14.5.31

OFFICE OF THE THIRD MEMBER OF COUNCIL. 16 MAY 1931 No. 8318.

29) Please see me-

RJ 14/5

30) Draft note as instructed

15/5/31 ~~Gen Secy~~ 3rd Member) 16.5.31

31)

32)

RJ 18/5/31

3) Submit H.M. Br. with the file for further action as proposed

18/5/31

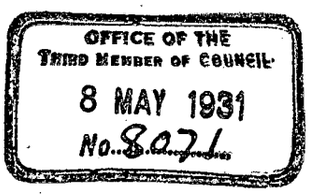
WD 02533—50,000—GHB—8-7 30

19-5-31 Submitted for perusal. Include in the list.

20/5

3555 12 C413 12

Subject.-



Question of amending the District Board and Municipal Regulations so as to prevent persons heavily indebted becoming Presidents and Vice-Presidents.

OPINION OF THE COUNCIL.

35) The Standing Committee for Municipal Govt may be consulted
DRM
1/5/31

36) General Secretary
with compts
DRM
2/5/31
RB
4/5/31
VE
Rec'd
DS 6/5/31

- on the
consideration
action is called for
RB
3/6/31

37) A meeting of the committee takes place on the 3rd June 31 at Mysore this may be included in the agenda of that meeting.

DS. 3rd Member) 8.5.31.
7/5/31

38) Please put up a note on
RB
the proposal
DRM
12/5/31
VE

Serial No.

(40) File returned to the L. S. & Y. Branch.

Ar 13/6/31

41) The committee consider that no action is proper for me in the matter.

42) Subm with ref to the opinion of the council of 1-5-31 in para 35 of the notes

13/6/31 3rd Member) VS 13.6.31

43) This may be referred to the Bills Committee

& 15/6/31 RJ 16/6/31 VS

Secs B

Mr R R

Please speak to Mr Brown re this

OFFICE OF THE THIRD MEMBER OF COUNCIL 15 JUNE 1931 No. 9254

(44) The question was considered by the Standing Bills committee at the meeting held in the 1st week Sept 1931 and the committee agree with the general principles of the amendment proposed.

VS Subm with ref to para 4

11/9/31 2nd Member) VS

SECOND COUNCIL 11 SEP. 31 No. 756

NOTE—Contn. Sheet.

WD 02553—G PB—50,000—8-7-30

45) May be incorporated in the draft Bill VS 11.9.31

VS 13.9.31

General and Revenue Secretariat

File No.

erial No.

(45) A draft bill is submitted as directed

22-9-31 (Gen. Secy) 24-9-31

GENERAL SECRETARY 24 SEP. 1931 No. 220

OFFICE OF THE SECOND MEMBER OF COUNCIL 25 SEP. 1931

(46) may be approved

Schedule objected

(II Member) 24/9

50) At the last C. meeting on 1.5.31 the opinion of the Standing Com^ee was called for but as the Com^ee was not in favour of the amendment the Mr. Com^ee was consulted. The latter Com^ee has agreed to the principle in the case of Mr^s & Consequently a prov^n is being made in the Mr. bills. As the principle is the same in the case of D^rs B^ds also a similar draft is prepared & coinds & for being placed before the R^ve Amy. It may be appd

Spdt 2/10

(Deroan) may be circulated and Sub^d to H.H. May 5/10 Mr 5/10/31 Mr 6/10/31

(Chief Secy) WD 02558—50,000—GPB—8-30

Loo put up

RG 9/6/31

For Disposal by Circulation.

No. C. 115 16

1931-32

GENERAL AND REVENUE SECRETARIAT

Council matter.

Subject.

Question of amending the District Boards Regulation so as to prevent heavily indebted persons from becoming Presidents and Vice-Presidents

Circulated to the Members of Council.

By Order,

R. Rangachari

6th October 1931

Chief Secretary to Government.

2821 7/10

First Member of Council.

7/10/31

1620 8/10

Second Member of Council.

(Seen)

~~Third Member of Council~~

For favor of a Final Note.

D.S.N. Subd

SECOND MEMBER.

Signed Final Note 8/10/31

10/10/31

11.10.31

Final Note by the Second Member of Council.

Subject:—

Amendment of the District Board Regulations to prevent indebted persons from becoming Presidents and Vice Presidents.

53)

Under the Public Servants' Conduct Rules, Government Servants, who are constantly arrested for debts, or a moiety of whose pay is constantly being attached are liable to dismissal. But this rule is not applicable to non-official Presidents and Vice Presidents of District Boards and Municipal Councils. Under the present law, Government cannot take action against a non-official President or Vice President, even though he is arrested for debt. Such officers are disabled to continue in office only if they are declared insolvent The question of amending the Regulations so as to empower Government to ask such officers to vacate their office when they are habitually indebted was taken up for consideration and referred to the Standing Committee for Local Self-Government. As that Body was not in favour of the proposal, it was referred to the Committee appointed to revise the Municipal Bills. They consider that the administration of the Local Body should not be brought into contempt by having a President or Vice President who is heavily in debt or is unable to pay his debts and that Government should take power to remove such an officer when an order of attachment in execution of a decree is subsisting against his property for a long time or when an order for his confinement in jail in execution of a decree is in force. Adopting the same principles in the case of District Boards also, it is proposed to amend the District Boards' Regulations in accordance with the views of the Committee. The Dewan and the Members of Council have approved of this, and gracious sanction of His Highness is solicited to place

place the matter before the ensuing session of the Representative Assembly for an expression of their views.

MEMBER OF COUNCIL.

Bangalore,
9th October 1931.

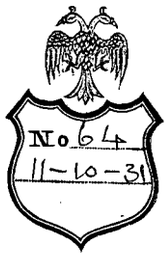
Submitted to His Highness.

57) I submit herewith a Final Note by the Second Member of Council regarding the amendment of the District Board Regulations to prevent indebted persons from becoming Presidents and Vice Presidents,

for His Highness' gracious approval.

M V Ramana Rao
Offg. Dewan.

Record of Cases submitted for the Orders of His Highness the Maharaja.



Subject.

Amendment of the District Boards Regulation to prevent indebted persons from becoming Presidents and Vice-Presidents.

Order.

~~KRW~~
13/10/31

OFFICE OF THE
SECOND MEMBER OF COUNCIL
6 OCT. 1931
No. 1628

By draft statement of the general principles of the Bill for the to amend the Mysore & Bombay Regulation in regard to treatment of Presidents and Vice-Presidents who are unable to pay their dues is sent for approval.

AS 6/10/31

2nd Member) VS 6.10.31

JPM 6/10

Secy 7.10 VS

Copies have been sent to the R. A. Secretary will be placed in the file after its return with

General and Revenue
Secretariat

File No.

Serial
No.

Sealed with Pol... of the same as on
61 supra

Two statements for amend
ments to sections 23 and 68 of the Old
Board Regs were placed before
the R. A. This present file relates
to amendment of S. 23 and the
other one has not yet been
received, it is understood that
some changes have been
suggested in the Bill to amend
S. 68, as a result of the opinions
expressed in R. A and orders
thereon are awaited.

It is perhaps desirable to
combine the two and
deal as one Bill, if agreed to
file will be awaited.

Third page is marked
5 in Bill cl 2, this being
an amendment of the Town
Council as it deals with cl 1
parts of which may be combi
ined into one clause the changes
indicated in pencil.

The two is for orders when
the Bill has to be published
under Rule 8 or written consent
has to be taken to dispense the

3853

General and Revenue Secretariat

le No. of 193

[App. F. III—2

25

Serial No.

The file may be used unless required for the present

45

18/11/3

13

VS

19.11-31

To

Rajamantrapravaena

C.S. Balasundaram Iyer Esq, B.A.,

irst Member in Council,

Bangalore.

GEN. 3855

Respected Sir.

It is respectfully brought to your kind notice for the needful action in the matter.

In the last mee ... District Board, one of the members had sent a number of interpellations, for which no proper and adequate answers were given. For instance, the President said that "The President was aware of the Warrants". What he meant by this is not possible to understand. The question was, "Is it a fact that the re a number of Civil warrants against Mr.V.Venkatappa, President". t is not out of place to mention here that if there are warrants against the President, that is to say, the President, there is nothing to be feared by the Board, because they will be for the amounts due by the Board. Now the question is, if there are such demands against the person of the President - in his Private capacity m, it is only then the Board has to fear as there will be nearly 4 to 5 lakhs of Rupees in his custody. When proper answers are insisted upon insultive repli are coming forth to make the matters worse. As a matter of fact there are very many such executions against Mr.Venkatappa. Even on the date of the meeting there were Court Officials in the Board Office and some thing was going on between him and the officials through slips in cons ion with the Advocate Vice President Mr. H.R.Guruva Reddy. While President is entangled to a large extent in his private life, I to request the Government to consider whether it would be safe to gave such a

Appendix F G—1

SUBJECT.....

Diary No. of letter replied to.....

General and Revenue Secretariat
( )
the *193*

Date of issue 16/2/21

Signed by M. V. S. Sastri

File No. 37-30.

Serial No. 41

No. 7603

~~Endorsement~~ Endorsement handed to

To M. M. Pillappa, member,
Bangalore Municipality, Kempaswamy
Temple Street, Bangalore City.

With reference to his
address to 1st Municipal council
petition making certain allegations
against the President of the
Bangalore Municipality, Mr. Pillappa
is informed that if he
is sure of his facts, he
may elicit them from the
petitioners by putting questions and
taking the facts to the
notice of the Municipal Board.

Boards and Municipal Regulations to prevent persons heavily indebted from becomin Presidents and Vice Presidents.

In the rule ~~prescribed~~ for the conduc of Public Servants, the following rule has been prescribed by Government for dealing with indebtedness of Government servants.

"15(i) When a Government servant is constant arrested for debt or has recourse to the Insolvency court, or when one moiety of th salary of such Government servant is constantly being attached, has been continuously under attachment for a period exceeding two years, or is attached for a sum which, in ordinary circumstances, cann be repaid within a period of two years, he will be considered liable to dismissal.

(ii) In such cases the matter should be reported to the Government or to such authority subordinate to the Government, as may, general or special order, be directed.

(iii) When a moiety of an officer's salary attached, the report should show what the proportion of the debts is to the salary; how far they detract from the debtor's efficiency as a Government serv whether the debtor's position is irretrie able and whether, in the circumstances of the case, it is desirable to retain him i the post occupied by him when the matter v brought to notice or in any post under the

30

indebtedness is the result of circumstances which, with the exercise of ordinary diligence, the debtor could not have foreseen or over which he had no control and has not proceeded from extravagant or dissipated habits, will be upon the debtor."

This rule is not at present applicable to Presidents and Vice-Presidents of District Boards and Municipal Councils who do not happen to be salaried servants of Government. Government cannot, as the position now stands, take action against a Non-official President or Vice-President even though he is arrested for debt. Under the existing District Board and Municipal Regulations such Presidents and Vice-Presidents will be disabled to continue in office only when they are declared insolvent. Government consider it necessary to amend the District Board and Municipal Regulations so as to empower Government to ask the Presidents and Vice-Presidents to give up their office when they are habitually indebted.

Note on the amendment of the District Boards and Municipal Regulations to prevent persons heavily indebted from becoming Presidents and Vice Presidents.

In the rules for the conduct of Public Servants, the following rules has been prescribed by Government for dealing with indebtedness of Government servants.

" 15. (i) When a Government servant is constantly arrested for debt or has recourse to the Insolvency Court, or when one moiety of the salary of such Government servant is constantly being attached, has been continuously under attachment for a period exceeding two years, or is attached for a sum which, in ordinary circumstances, cannot be repaid within a period of two years, he will be considered liable to dismissal.

(ii) In such cases the matter should be reported to the Government or to such authority subordinate to the Government, as may, by general or special order, be directed.

(iii) When a moiety of an officer's salary is attached, the report should show what the proportion of the debts is to the salary; how far they detract from the debtor's efficiency as a Government servant whether the debtor's position is irretrivable and whether, in the circumstances of the case, it is desirable to retain him in the post occupied by him when the matter was brought to notice or in any post under the Government.

(iv) In every case under this rule, the burden of proving that the Insolvency or indebtedness is the result of circumstances which, with the exercise of ordinary diligence, the debtor could not have foreseen or over which he had no control and has not proceeded from extravagant

extravagant or dissipated habits, will be upon the debtor. "

This rule is not at present applicable to Presidents and Vice Presidents of District Boards and Municipal Councils who do not happen to be salaried servants of Government. Government cannot, as the position now stands, take action as against a Non-official President or Vice President even though he is arrested for debt. Under the existing District Board and Municipal Regulations such Presidents and Vice Presidents will be disabled to continue in office only when they are declared insolvent. Government consider it necessary to amend the District Boards and Municipal Regulations so as to empower Government to ask the Presidents and Vice Presidents to give effect up their office when they are habitually indebted.

The proposal is referred to the Members of the Standing Committee for Local Self-Government for an expression of their views.

Draft Bill.

Whereas it is expedient ~~to~~ further to amend the Mysore District Boards' Regulation, 1926, it is hereby enacted as follows:-

1. In the proviso to sub-section (1) of Section 23 of the Regulation, the following "shall be inserted, after the words "perform his duty"

"or if he is unable to pay his debts,"

"or inability to pay his debts" and after the said proviso

2. After the proviso to sub-section (1) of the said Section, the following explanation shall be inserted:-

"Explanation:- A person may be presumed to be unable to pay his debts, if

(a) he is under arrest or imprisonment in execution of the decree of any court for the payment of money; or

(b) an order of attachment in execution of such a decree has been made, and is subsisting against his property".

Statement of objects and reasons.

Under the rules prescribed for the conduct of public servants, ~~the~~ Government servants who ~~is~~ are constantly arrested for debts, or a moiety of whose pay is constantly being attached or is attached for a sum which in ordinary circumstances cannot be repaid within a period of 2 years ~~is~~ are liable to ~~dismissal~~ be dismissed. This rule is not applicable to non-official Presidents and Vice-Presidents of District Boards and Municipal Councils. Under the

present law Government cannot take action ~~as~~ against a non-official President or Vice-President, even though he is arrested for debt. Under the existing Municipal and D.B. Regulations, such Presidents and Vice-Presidents will be ~~disabled to continue in~~ liable for removal from office only, if they are ~~declared~~ insolvent. The question of amending the Municipal Regulation so as to empower Government to ask the Presidents and Vice-Presidents to give up their office when they are habitually indebted was considered by the Special Committee appointed in Government Order No. 1 9875-91 ME 266-30-1 dated 15th June 1931, for preparing three Municipal Bills for the regulation of (1) City Municipalities (2) Town Municipalities and (3) Minor Municipalities. They consider that the administration of the Local Body should not be brought into contempt by having a President or Vice-President who is unable to pay his debts and that Government heavily in debt may take power to remove such Presidents and Vice-Presidents from office when an order of attachment in execution of a decree is subsisting against ~~him~~ his person for a long time or when an order for confinement in Jail in execution of his a decree is ~~in force~~ executed. As this principle is equally applicable ~~in~~ to the case of District Boards also, it is proposed to amend the District Boards' Regulation accordingly. ~~in accordance with the views of the Committee and the matter is placed before the Representative Assembly for an expression of their views.~~

Statement of General Principles of the Bill further to amend the Mysore District Boards Regulation, 192

Under the rules prescribed for the conduct of public servants, Govt. Servants who are constantly arrested for debt or a moiety of whose pay is constantly being attached or is attached for a sum which in ordinary circumstances cannot be repaid within a period of 2 years are liable to dismissa This rule is not applicable to the non-official Presidents and Vice-Presidents of District Boards. Under the present law, Government cannot take action against a non-official President or Vice-President even though he is arrested for debt. Under the existing District Boards Regulation, such Presidents and Vice-Presidents will be disabled to continue in office if they are undischarged insolvants. The Committee appointed in June 1931 to prepare a separate Bill for the management of the Municipal affaars of each of the three classes of Municipalities considers that the Administration of local bodies should not brought into contempt by having a President or Vice-President who is heavily in debt and unable to pay his debts and that Govt. may take power to remove such Presidents and Vice-Presidents from Office when an order of attachment in execution of a decree is subsisting against his property for a long time or when an order for his confinement in Jail in execution of a decree is in force. As this principle is equally applicable to the case of District Boards also it is proposed